



## 2015 PUBLIC ACTS REQUIRING AGENCY REGULATIONS

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### ISSUE

Identify provisions in 2015 public acts requiring agencies to adopt regulations.

### SUMMARY

Connecticut's regulation-adoption process begins when the legislature enacts a new law authorizing or requiring an agency to adopt regulations. We identified 18 provisions in 2015 public acts that explicitly require agencies to adopt regulations. Additionally, we identified 17 provisions that potentially require agencies to adopt regulations.

When a public act requires an agency to adopt regulations, the agency must post a notice of intent to adopt regulations (1) within five months after the effective date of the act requiring adoption or (2) by the time specified in the act. The agency must submit required regulations to the Regulation Review Committee within 180 days after posting the notice of intent to adopt regulations ([CGS § 4-168\(c\)](#)). For more information on the regulation-adoption process, see OLR Report [2015-R-0064](#).

### PUBLIC ACTS REQUIRING AGENCIES TO ADOPT REGULATIONS

Table 1 lists provisions in 2015 public acts explicitly requiring agencies to adopt regulations. It identifies each public act, statutory citation (if applicable), agency, and subject matter.

**Table 1: 2015 Public Acts that Require Agencies to Adopt Regulations**

<b>Public Act</b>	<b>CGS §</b>	<b>Agency</b>	<b>Subject Matter</b>
<a href="#">15-25 § 2</a> <a href="#">15-5, June Special Session (JSS) § 412</a>	<a href="#">15-140f(b)</a>	Department of Energy and Environmental Protection (DEEP)	Water skiing endorsement and instruction
<a href="#">15-76 § 2</a> <a href="#">15-242 § 57</a>	New section	Department of Consumer Protection (DCP), in consultation with Department of Public Health (DPH)	Cottage food production
<a href="#">15-102 § 1</a>	<a href="#">17b-601</a>	Department of Social Services (DSS)	Payments to residential care facilities
<a href="#">15-108 § 4</a>	<a href="#">10-145d(a)</a>	State Department of Education	Teacher certification: Elementary endorsement
<a href="#">15-140 § 1</a>	New section	DPH	Use of “sous vide” culinary technique
<a href="#">15-141 § 1</a>	New section	State Board of Education (SBE)	Use of physical restraint and seclusion
<a href="#">15-146 § 29</a>	New section	DPH	Cost and market impact reviews for certain transfers of hospital ownership
<a href="#">15-148 § 1</a>	<a href="#">19a-36</a>	DPH	Public pools
<a href="#">15-174 §§ 2 &amp; 3</a>	<a href="#">19a-79</a> & <a href="#">19a-87b</a>	Office of Early Childhood	Exemptions from childhood immunization requirements
<a href="#">15-197 § 5</a>	<a href="#">27-102l(d)</a>	Department of Veterans' Affairs	Written complaints concerning the Veterans' Home's policies, procedures, and administrative decisions
<a href="#">15-220 § 1</a>	New section	DPH, in consultation with DCP	Allowing acidification of sushi rice as an alternative to temperature control
<a href="#">15-242 § 61</a>	<a href="#">20-32</a>	DPH	Chiropractors' continuing education
<a href="#">15-242 § 63</a>	<a href="#">20-195c</a>	DPH	Marital and family therapists' continuing education
<a href="#">15-242 § 64</a>	<a href="#">20-195cc</a>	DPH	Professional counselors' continuing education
<a href="#">15-2 (JSS) § 9</a>	<a href="#">54-124a</a>	Board of Pardons and Paroles	Expedited pardons process
<a href="#">15-5 (JSS) § 117</a>	<a href="#">4-61dd(l)</a>	Chief human rights referee	Procedures for complaints filed by employees of state shellfish grounds lessees
<a href="#">15-5 (JSS) § 405</a>	New section	DCP	Swimming pool assembler licenses
<a href="#">15-5 (JSS) §§ 440 &amp; 517</a>	<a href="#">22a-66l</a>	DEEP, in consultation with DPH	Pesticide application record retention by state agencies

## **PUBLIC ACTS THAT MAY REQUIRE AGENCIES TO ADOPT REGULATIONS**

Public acts often make substantive changes in statutes related to agencies' existing regulations. For example, prior law may have required an agency to adopt regulations implementing a program. If a later public act amends the program criteria, the agency may need to adopt regulations to conform to the new

requirements. However, the Uniform Administrative Procedure Act, which governs the regulation-adoption process, does not establish standards for determining when an agency must adopt regulations to conform to a legislative change.

It appears that in practice, agencies evaluate legislative changes to determine whether they create a conflict between the law and their existing regulations. If no conflict exists, or the changes are sufficiently addressed by existing regulations, they generally do not adopt new or amended regulations.

Table 2 lists provisions in 2015 public acts that potentially require agencies to adopt regulations. It identifies each public act, statutory citation (if applicable), agency, and subject matter.

**Table 2: 2015 Public Acts that May Require Agencies to Adopt Regulations**

<b>Public Act</b>	<b>CGS §</b>	<b>Agency</b>	<b>Subject Matter</b>
<a href="#">15-10 § 1</a>	<a href="#">19a-55</a>	DPH	Testing newborn infants for cytomegalovirus
<a href="#">15-32 § 1</a>	<a href="#">19a-504c</a>	DPH	Standards for hospital discharge planning services
<a href="#">15-69 § 26</a>	<a href="#">17b-294a</a>	DSS	HUSKY Plus coverage and services
<a href="#">15-163 § 2</a>	<a href="#">20-123b</a>	DPH, with advice and assistance of State Dental Commission	Use of sedation
<a href="#">15-197 § 1</a>	<a href="#">27-102l</a>	Department of Veterans' Affairs	Operation, administration, and management of department
<a href="#">15-199 § 19</a>	<a href="#">17a-11(g)</a>	Department of Children and Families (DCF)	Voluntary DCF services
<a href="#">15-204 § 2</a>	<a href="#">26-86a(a)</a>	DEEP	Sunday hunting
<a href="#">15-233 §§ 1-9</a>	<a href="#">17b-461*</a>	DSS	Protective services for the elderly
<a href="#">15-236 §§ 1-2</a>			
<a href="#">15-244 §§ 71-77 &amp; 222</a>	<a href="#">12-405l*</a>	Department of Revenue Services	Sales and use tax
<a href="#">15-5 (JSS) §§ 133-136 &amp; 525</a>			
<a href="#">15-5 (JSS) §§ 63, 66-71</a>	<a href="#">46a-56 &amp; 46a-68j*</a>	Commission on Human Rights and Opportunities (CHRO)	Nondiscrimination requirements in contracts, contractor compliance, and contractors' affirmative action plans
<a href="#">15-5 (JSS) § 70</a>	<a href="#">46a-68k</a>	CHRO	Public agencies' contract compliance programs
<a href="#">15-5 (JSS) § 165</a>	<a href="#">15-13</a>	Department of Transportation	Marine pilot licenses
<a href="#">15-5 (JSS) § 286</a>	<a href="#">10-17f</a>	SBE	Bilingual education

**Table 2 (Cont.)**

<b>Public Act</b>	<b>CGS §</b>	<b>Agency</b>	<b>Subject Matter</b>
<a href="#">15-5 (JSS) §§ 373-374</a>	<a href="#">17b-290</a> & <a href="#">17b-292</a>  <a href="#">17b-10</a> *	DSS	Elimination of unsubsidized HUSKY B coverage
<a href="#">15-5 (JSS) § 383</a>	<a href="#">17b-342(e)</a> *	DSS	Connecticut Home Care Program for Elders: Eligibility and co-payments
<a href="#">15-5 (JSS) § 390</a>	New section  <a href="#">17b-10</a> *	DSS	Orthodontic services for certain Medicaid recipients
<a href="#">15-5 (JSS) § 391</a>	<a href="#">17b-354(i)</a> *	DSS	Nursing facility bed moratorium

\* This statute was not amended by the indicated public act, but it contains a broad regulation-adoption requirement that applies to the act's subject matter

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